

ASSEMBLY BILL

No. 1017

Introduced by Assembly Member Goldberg

February 20, 2003

An act to amend Sections 59002.5, 59003, 59006, 59030.5, 59102.5, and 59300 of, and to add Sections 59001.2, 59001.4, 59002.7, 59015, and 59046 to, the Education Code, relating to special schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1017, as introduced, Goldberg. State special schools.

Existing law establishes the California School for the Deaf and the California School for the Blind, known as the state special schools. Existing law requires that pupils be maintained at the expense of the state, except that the school district of residence of a parent or guardian of a pupil attending a state special school, except day pupils, is required to pay the school of attendance 10% of the average cost of education per pupil.

This bill would make state special schools eligible to apply for and to receive categorical education funds, unless otherwise prohibited by law.

This bill would require the Superintendent of Public Instruction, commencing with the 2004–05 school year, to cause a School Accountability Report Card to be implemented for each state special school.

This bill would require the State Department of Education to test pupils in schools of the deaf, using specified tests, in written English and reading and in speech and auditory skills, and to utilize an age-equivalent American Sign Language test when it is developed.

Existing law authorizes the Superintendent of Public Instruction to allow schools for the deaf to establish and maintain training courses for the purpose of preparing credential holders for instructing the hearing impaired.

This bill would set forth hiring preferences for certificated employees and classified employees based on test scores on the American Sign Language Proficiency Index. The bill would, commencing the 2007–08 school year, require certificated employees to satisfactorily complete the American Sign Language Proficiency Index test every 3 years, except as specified.

Existing law, the federal Individuals with Disabilities Education Act (IDEA), requires school districts, county offices of education, and special education local plan areas to comply with state laws that conform to the IDEA in order that the state may qualify for federal funds available for the education of individuals with exceptional needs. The IDEA requires that a pupil with exceptional needs be accommodated through the creation and implementation of an individualized education plan.

This bill, commencing with the 2004–05 school year, would require that a pupil who is deaf but otherwise has no exceptional needs be subject to the Standardized Testing and Reporting Program instead of an alternative testing program, to the extent that doing so conforms with the pupil’s individualized education plan.

This bill would allow the California School for the Deaf to maintain an “open door policy” that allows parents or guardians to visit their child’s classroom.

This bill would create a parent community advisory committee for the California School for the Deaf.

This bill would require the State Department of Education to conduct a study and report to the Legislature its findings concerning the recruitment of state special school teachers and methods by which state special schools may graduate more pupils, on or before January 1, 2006.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 59001.2 is added to the Education Code,
2 to read:



1 59001.2. The Legislature finds and declares all of the
2 following:

3 (a) It is essential for the well-being and growth of deaf and
4 hard-of-hearing pupils that educational programs recognize the
5 unique nature of deafness and ensure that all deaf and
6 hard-of-hearing pupils have appropriate, ongoing, and fully
7 accessible educational opportunities.

8 (b) It is essential that a deaf or hard-of-hearing pupil obtain an
9 education in which special education teachers, psychologists,
10 speech therapists, assessors, administrators, and other school and
11 residential program personnel understand the unique nature of
12 deafness and are trained to work with a deaf or hard-of-hearing
13 pupil.

14 (c) It is essential that a deaf or hard-of-hearing pupil obtain an
15 education in which his or her special education teachers are
16 proficient in the primary language mode of that pupil.

17 (d) It is essential that a deaf or hard-of-hearing pupil obtain an
18 education in which his or her parents are involved in determining
19 the extent, content, and purpose of programs.

20 (e) It is essential that a deaf or hard-of-hearing pupil, like all
21 pupils, have programs in which his or her unique vocational needs
22 are provided for, including appropriate research, curricula,
23 programs, staff, and outreach.

24 SEC. 2. Section 59001.4 is added to the Education Code, to
25 read:

26 59001.4. It is the intent of the Legislature that programs at the
27 California School for the Deaf provide all of the following:

28 (a) Each pupil should be assured an education appropriate to his
29 or her needs in publicly supported programs through completion
30 of his or her prescribed course of study or until the time that he or
31 she has met proficiency standards.

32 (b) Each pupil should have his or her educational goals,
33 objectives, special education, and related services specified in a
34 written individualized education program.

35 (c) Procedures and materials for assessment and placement of
36 individuals with exceptional needs should be selected and
37 administered so as not to be racially, culturally, or sexually
38 discriminatory. No single assessment instrument should be the
39 sole criterion for determining placement of a pupil. The
40 procedures and materials for assessment and placement should be

1 in the individual's mode of communication of the individual. All
2 assessment materials and procedures should be selected and
3 administered pursuant to Section 56320.

4 (d) Psychological and health services for individuals with
5 exceptional needs should be available to each schoolsite.

6 (e) Continuous evaluation of the effectiveness of these
7 education programs should be made to ensure the highest quality
8 educational offerings.

9 (f) Appropriate qualified staff should be employed, consistent
10 with credentialing requirements, to fulfill the educational
11 responsibilities, and positive efforts are made to employ qualified
12 deaf and hard-of-hearing individuals.

13 (g) Educational and residential program personnel should be
14 adequately prepared to provide educational instruction and
15 services to individuals with exceptional needs in the appropriate
16 communication mode, including American Sign Language.

17 (h) There should be appropriate access to information and
18 training in American Sign Language for parents and pupils to
19 ensure that they are able to appropriately communicate with their
20 families.

21 SEC. 3. Section 59002.5 of the Education Code is amended
22 to read:

23 59002.5. (a) The Superintendent of Public Instruction, in
24 connection with the California ~~Schools~~ *School* for the Deaf and in
25 cooperation with public and private agencies, may do one or more
26 of the following:

27 ~~(a)–~~

28 (1) Serve as a demonstration school to promote personnel
29 development through student teaching, in-service education,
30 internships, professional observations for special education and
31 related services personnel, in cooperation with institutions of
32 higher education and local education agencies.

33 ~~(b)–~~

34 (2) Serve as a resource center to develop and disseminate
35 special curriculum, media teaching methods, and instructional
36 materials adapted for deaf individuals, achievement tests, and
37 other assessment methods useful to the instruction of deaf
38 individuals.

39 ~~(c)–~~

(3) Provide counseling and information services for parents, guardians, and families of deaf individuals, and *provide* public information about deafness to community groups and other agencies.

~~(d)~~

(4) Conduct experimental programs and projects to promote improvement in special education for deaf individuals.

~~(e)~~

(5) Promote and coordinate community and continuing education opportunities for deaf individuals utilizing existing community resources.

(b) Commencing with the 2004–05 school year, the Superintendent of Public Instruction shall, by the beginning of each school year, cause to be implemented a School Accountability Report Card for each state school for the deaf. The School Accountability Report Card shall comply with Section 33126.

SEC. 4. Section 59002.7 is added to the Education Code, to read:

59002.7. Commencing with the 2004-05 school year, a deaf pupil who has no exceptional needs other than those related to hearing impairment shall be subject to the Standardized Testing and Reporting Program pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33, as though he or she was not an individual with exceptional needs, only to the extent that this would conform with the individualized education plan of the pupil.

SEC. 5. Section 59003 of the Education Code is amended to read:

59003. The State Department of Education in relation to the California-Schools School for the Deaf shall:

(a) Prescribe rules for the government of the schools.

(b) Appoint the superintendents and other officers and employees.

(c) Remove for cause any officer, teacher, or employee.

(d) Fix the compensation of officers, teachers, and employees.

(e) Test pupils, if not already tested, using tests that are available for use in the Standardized Testing and Reporting Program administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 and the High School Exit Examination administered pursuant to Section 60851, to the extent

1 *those assessments are appropriate, in written English and reading,*
2 *and utilize intensive written English and reading curriculum for*
3 *implementation by the 2004–05 school year.*

4 *(f) Subject to the pupil's individualized education plan, test*
5 *pupils, if not already tested, in speech and auditory skills, and*
6 *provide speech and auditory skills curriculum, subject to*
7 *individualized education plans, for implementation by the*
8 *2004–05 school year.*

9 *(g) Utilize an age-appropriate American Sign Language test*
10 *for pupils in the California School for the Deaf to be implemented*
11 *in the 2005–06 school year.*

12 SEC. 6. Section 59006 of the Education Code is amended to
13 read:

14 59006. (a) The Superintendent of Public Instruction may
15 authorize the California ~~Schools~~ School for the Deaf to establish
16 and maintain teacher training courses designed to prepare teachers
17 of the public schools and ~~such~~ other persons holding a credential
18 issued by the State Board of Education as are recommended by the
19 president of a campus of the California State University, to give
20 instruction to the deaf and the hard of hearing. The Superintendent
21 of Public Instruction shall prescribe standards for the admission of
22 persons to the courses, and for the content of the courses.

23 ~~The~~
24 (b) The California ~~Schools~~ School for the Deaf may enter into
25 agreements with the Trustees of the California State University,
26 the University of California, or any other university or college
27 accredited by the State Board of Education as a teacher training
28 educational institution, to provide practice teaching required for
29 issuance of the credential authorizing the holder to teach the deaf
30 and severely hard of hearing. The agreement may provide a
31 reasonable payment, for services rendered, to teachers of the
32 California ~~Schools~~ School for the Deaf who have practice teachers
33 under their direction.

34 (c) Commencing with the 2004–05 school year, all of the
35 following shall become operative:

36 (1) For purposes of employing a certificated employee, hiring
37 preference shall first be given to those candidates who achieve a
38 minimum score of four on the American Sign Language
39 Proficiency Index (ASLPI) test, second to those candidates who
40 achieve a minimum score of three on the ASLPI test, and finally to

1 *those candidates who achieve a minimum score of two on the*
2 *ASLPI test. A candidate who scores less than two on the ASLPI test*
3 *is not eligible for employment.*

4 (2) *For purposes of employing a classified employee who will*
5 *have contact with a pupil in the course of his or her employment,*
6 *hiring preference shall first be given to those candidates who*
7 *achieve a minimum score of two on the ASLPI test and second to*
8 *those candidates who achieve a score of one or below on the ASLPI*
9 *test.*

10 (3) *For purposes of employing a classified employee who will,*
11 *in the course of his or her employment, spend at least 50 percent*
12 *of the workday in contact with pupils, hiring preference shall first*
13 *be given to those candidates who achieve a minimum score of three*
14 *on the ASLPI test, second to those candidates who achieve a*
15 *minimum score of two on the ASLPI test, and finally to those*
16 *candidates who achieve a score of one or below on the ASLPI test.*

17 (4) *For purposes of employing a substitute teacher, hiring*
18 *preference shall first be given to those candidates who achieve a*
19 *minimum score of four on the ASLPI test, second to those*
20 *candidates who achieve a minimum score of three on the ASLPI*
21 *test, and finally to those candidates who achieve a minimum score*
22 *of two on the ASLPI test. A candidate who scores less than two on*
23 *the ASLPI test is not eligible for employment.*

24 (d) *Commencing in the 2007–08 school year, a certificated*
25 *employee shall satisfactorily complete the ASLPI test every three*
26 *years. This requirement does not apply to a certificated employee*
27 *who achieves a score of four on the ASLPI test and remains*
28 *continuously employed in a school providing instruction to deaf or*
29 *hearing-impaired pupils.*

30 (e) *Failure by an employee of the ASLPI test may not result in*
31 *disciplinary action of any kind. If an employee fails the ASLPI test,*
32 *he or she shall take additional American Sign Language classes*
33 *until he or she passes the test with an appropriate score.*

34 SEC. 7. Section 59015 is added to the Education Code, to
35 read:

36 59015. (a) A parent community advisory committee shall be
37 established at each California School for the Deaf. The committee
38 shall be composed of the site superintendent, teachers at the
39 school, other school personnel, parents of pupils attending the
40 school, and community and business representatives in the

1 community. The majority of members of the committee shall be
2 parents. Each committee shall adopt bylaws for its operation.

3 (b) The role of the committee is to assist the school to bring
4 about cooperation and coordination of community resources
5 within the area served by the school that may be of value to the deaf
6 and hard-of-hearing pupils, their parents, and the school. In
7 achieving this purpose, the responsibilities of the committee shall
8 be defined in the bylaws and may include, but are not limited to:

9 (1) Advising the administration of the school regarding the
10 federal Individuals with Disabilities Education Act (20 U.S.C.
11 Sec. 1400 et seq.).

12 (2) Assisting in parent and family education and in recruiting
13 family members and other volunteers to contribute to the school.

14 (3) Encouraging public involvement in the school.

15 (4) Facilitating communication between the school, parents,
16 and the school community.

17 (5) Providing support to parents and family members, staff,
18 pupils, and the school community for any programs impacting the
19 deaf and hard-of-hearing community.

20 SEC. 8. Section 59030.5 of the Education Code is amended
21 to read:

22 59030.5. The Superintendent of Public Instruction shall ~~allow~~
23 *allocate* to the California ~~Schools~~ *School for the Deaf*, an amount
24 not to exceed three hundred eighty-nine dollars (\$389) per fiscal
25 year per unit of average daily attendance of each deaf pupil
26 attending one of the schools as a five-day residential pupil for the
27 purpose of providing transportation to and from the pupil's home
28 on weekends and school holiday periods. In no case shall the total
29 apportionment made to the schools exceed the actual total
30 transportation expenditures of the schools.

31 The ~~administrators~~ *administrator* of ~~such schools~~ *each school*
32 shall arrange for transportation of ~~such~~ pupils utilizing the most
33 practical means, including, but not limited to, commercial bus,
34 rail, or air, charter bus or private passenger vehicle. *The school*
35 *shall ensure that aides or staff members who are skilled in*
36 *American Sign Language accompany pupils on schoolbuses used*
37 *on contract by the school.*

38 SEC. 9. Section 59046 is added to the Education Code, to
39 read:

1 59046. The California School for the Deaf may maintain an
2 “open door policy” that allows parents or guardians to visit the
3 classroom and view the instruction of their children, with proper
4 notice to administrators.

5 SEC. 10. Section 59102.5 of the Education Code is amended
6 to read:

7 59102.5. (a) The Superintendent of Public Instruction, in
8 connection with the California School for the Blind and in
9 cooperation with public and private agencies, may:

10 ~~(a)–~~

11 (1) Serve as a demonstration school to promote personnel
12 development through student teaching, in-service education,
13 internships, and professional observations for special education
14 and related services personnel, in cooperation with institutions of
15 higher education and local education agencies.

16 ~~(b)–~~

17 (2) Serve as a resource center to develop and disseminate
18 special curriculum, media, teaching methods and instructional
19 materials adapted for visually impaired, blind, and deaf-blind
20 individuals, achievement tests, and other assessment methods
21 useful to the instruction of visually impaired, blind, and deaf-blind
22 individuals.

23 ~~(c)–~~

24 (3) Provide counseling and information services to parents,
25 guardians, and families of visually impaired, blind, or deaf-blind
26 individuals, and *provide* public information about sensory losses
27 to community groups and other agencies.

28 ~~(d)–~~

29 (4) Conduct experimental programs and projects to promote
30 improvement in special education for visually impaired, blind, and
31 deaf-blind individuals.

32 ~~(e)–~~

33 (5) Promote community and continuing education
34 opportunities for visually impaired, blind, and deaf-blind
35 individuals utilizing existing community resources.

36 (b) *Commencing with the 2004–05 school year, the*
37 *Superintendent of Public Instruction shall, by the beginning of*
38 *each school year, cause to be implemented a School Accountability*
39 *Report Card for the California School for the Blind. The School*
40 *Accountability Report Card shall comply with Section 33126.*

1 SEC. 11. Section 59300 of the Education Code is amended to
2 read:

3 59300. (a) Notwithstanding any provision of this part to the
4 contrary, the district of residence of the parent or guardian of any
5 pupil attending a state-operated school pursuant to this part,
6 excluding day pupils, shall pay the school of attendance for each
7 pupil an amount equal to 10 percent of the excess annual cost of
8 education of pupils attending a state-operated school pursuant to
9 this part. *These funds shall be earmarked solely for the state*
10 *special schools and may not be used for any other purpose by the*
11 *State Department of Education.*

12 (b) *State special schools are eligible to apply for and receive*
13 *categorical education funds, unless otherwise prohibited by law.*

14 SEC. 12. On or before January 1, 2006, the State Department
15 of Education shall conduct a study and report its findings to the
16 Legislature concerning all of the following:

17 (a) Methods by which credentialed employees may be attracted
18 to a career in state special schools.

19 (b) Methods by which the number of graduates from state
20 special schools may be increased.

